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HOUSE BILL 921

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO HEALTH; ENACTING THE NATUROPATHIC MEDICINE PRACTICE ACT; CREATING A BOARD; PROVIDING POWERS AND DUTIES; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Naturopathic Medicine Practice Act".

Section 2. LEGISLATIVE PURPOSE.--The purpose of the Naturopathic Medicine Practice Act is to protect the public from the unprofessional, improper, incompetent and unlawful practice of naturopathic medicine by providing laws and rules to govern the practice of naturopathic medicine.

Section 3. DEFINITIONS.--As used in the Naturopathic Medicine Practice Act:

A. "board" means the board of naturopathic

1 medicine;

2 B. "department" means the regulation and licensing
3 department;

4 C. "homeopathy" means a system of medicine based on
5 the use of infinitesimal doses of medicines capable of
6 producing symptoms similar to those of the disease treated as
7 listed in the homeopathic pharmacopoeia of the United States;

8 D. "hygiene and immunizations" means the use of
9 such preventive techniques as personal hygiene, asepsis, public
10 health prevention and reporting responsibilities and
11 immunizations;

12 E. "medicines of mineral, animal and botanical
13 origin" means medicines derived from animal organs, tissues and
14 oils, minerals and plants administered orally, topically and by
15 injection, excluding legend drugs, with the following
16 exceptions: vitamins, minerals, natural hormones, whole gland
17 thyroid and substances as exemplified in traditional botanical
18 and herbal pharmacopoeia and non-drug contraceptive devices,
19 excluding intrauterine devices;

20 F. "natural hormones" means plant- and glandular-
21 derived hormones;

22 G. "naturopathic doctor" means a person licensed by
23 the board to practice naturopathy pursuant to the Naturopathic
24 Medicine Practice Act, with the ability to practice
25 independently, serve as a primary care provider and collaborate

1 as necessary with other health care providers. Synonymous
2 terms for naturopathic doctor include naturopathic diplomate,
3 doctor of philosophy in naturopathy, doctor of naturopathic
4 medicine and ND;

5 H. "naturopathic medical doctor" means a person
6 licensed by the board who may assume specific functions or
7 perform specific procedures that are beyond the basic
8 preparation for the professional practice by a "naturopathic
9 doctor" provided the education and skills required to perform
10 the functions or procedures emanate from a recognized body of
11 knowledge or practice of advanced naturopathy. When assuming
12 specific functions or performing specific procedures that are
13 beyond the naturopathic doctor's basic educational preparation,
14 the naturopathic doctor is responsible for obtaining the
15 appropriate education, skills and supervision to assure that
16 the naturopathic doctor can perform the function or procedure
17 safely and competently through a course of certification or
18 licensure as provided in Sections 13 and 14 of the Naturopathic
19 Medicine Practice Act;

20 I. "naturopathic medicine" means a system of health
21 care practiced by naturopathic doctors for the prevention,
22 assessment and evaluation and treatment of human health
23 conditions, injuries and diseases that uses education, natural
24 medicines, homeopathy and therapies to support and stimulate a
25 person's intrinsic self-healing processes, including

1 naturopathic physical medicine.

2

3 J. "naturopathic physical medicine" means the use
4 of physical agents of air, water, heat, cold, sound, light,
5 soft tissue therapy and joint mobilization and therapeutic
6 exercise in the resolution of human ailments and conditions;
7 and

8 K. "naturopathic school" means a facility that
9 provides an educational program in naturopathic training that
10 is registered with the board of naturopathic medicine or
11 licensed with the commission on higher education or its
12 equivalent.

13 Section 4. SCOPE OF PRACTICE.--

14 A. Naturopathic medicine is the practice by a
15 naturopathic doctor of the art and science of the assessment
16 and evaluation, prevention and treatment of disorders of the
17 body by stimulation or support, or both, of the natural
18 processes of the human body.

19 B. Naturopathic doctors may use for preventive and
20 therapeutic purposes the following natural medicines and
21 therapies: food, food extracts, certain medicines of mineral,
22 animal and botanical origin, vitamins, minerals, natural
23 hormones, enzymes, digestive aids, whole gland thyroid, plant
24 substances, homeopathic preparations, topical medicines,
25 counseling, biofeedback, dietary therapy, hygiene and

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1 naturopathic physical medicine, nutritional and lifestyle
2 counseling, therapeutic devices, barrier devices for
3 contraception and noninvasive physical examinations.

4 C. Naturopathic medical doctors may use for
5 diagnostic purposes physical and orifical examinations,
6 diagnostic imaging, electrocardiograms, ultrasound, clinical
7 laboratory tests, examinations and physiological function
8 tests.

9 D. A naturopathic medical doctor may assume
10 specific functions and perform specific procedures that are
11 beyond the basic preparation for the professional practice by a
12 naturopathic doctor.

13 E. A naturopathic medical doctor may assume an
14 expanded practice authority for specific functions and perform
15 specific procedures beyond the basic preparation for the
16 professional practice by a naturopathic doctor by obtaining the
17 appropriate education, skills and supervision to ensure to the
18 board's satisfaction the ability to perform those functions and
19 procedures safely and competently through a course of
20 certification or licensure as provided in Sections 13 and 14 of
21 the Naturopathic Medicine Practice Act.

22 Section 5. LICENSE REQUIRED.--Unless licensed pursuant to
23 the Naturopathic Medicine Practice Act, a person shall not:

24 A. advertise, hold out to the public or represent
25 in any manner that the person is licensed to practice

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1 naturopathic medicine in the state; or

2 B. maintain, manage or operate a naturopathic
3 school offering education, instruction or training in
4 naturopathy unless the school is a registered naturopathic
5 school.

6 Section 6. USE OF TERMS.--A person licensed pursuant to
7 the provisions of the Naturopathic Medicine Practice Act, in
8 advertising services to the public, shall use the title
9 "naturopathic doctor" or the designation of "ND". A person
10 licensed pursuant to the provisions of the Naturopathic
11 Medicine Practice Act as a naturopathic medical doctor may use
12 the title "naturopathic medical doctor" or "NMD" in advertising
13 services to the public.

14 Section 7. EXEMPTIONS.--

15 A. Nothing in the Naturopathic Medicine Practice
16 Act is intended to limit, interfere with or prevent the
17 following licensed health care professionals of any other class
18 from practicing within the scope of their licenses:

- 19 (1) osteopathy;
20 (2) dentistry;
21 (3) podiatry;
22 (4) nursing;
23 (5) optometry;
24 (6) psychology;
25 (7) chiropractic;

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- 1 (8) pharmacy;
- 2 (9) acupuncture and Oriental medicine;
- 3 (10) massage therapy;
- 4 (11) physical therapy; or
- 5 (12) midwifery.

6 B. The Naturopathic Medicine Practice Act does not
7 apply to or affect the following practices if a person does not
8 hold himself out as a doctor of naturopathic medicine:

- 9 (1) administering of gratuitous services in
10 cases of emergency;
- 11 (2) domestic administering of family remedies;
- 12 (3) counseling about or the teaching and
13 demonstration of breathing and exercise techniques;
- 14 (4) counseling about or teaching of diet and
15 nutrition;
- 16 (5) spiritual or lifestyle counseling of a
17 person or spiritual group, or the practice of the religious
18 tenets of a church;
- 19 (6) providing information about the general
20 use of herbal medicines, homeopathic medicines, vitamins,
21 minerals, enzymes or glandular or nutritional supplements;
- 22 (7) commissioned medical officers of the armed
23 forces of the United States and medical officers of the United
24 States public health service or the veterans administration of
25 the United States in the discharge of their official duties or

1 within federally controlled facilities; provided that such
2 persons who hold medical licenses in New Mexico shall be
3 subject to the provisions of the Medical Practice Act and
4 provided that all such persons shall be fully licensed to
5 practice medicine in one or more jurisdictions of the United
6 States;

7 (8) the practice of medicine by a physician,
8 unlicensed in New Mexico, who performs emergency medical
9 procedures in air or ground transportation on a patient from
10 inside of New Mexico to another state or back, provided the
11 physician is duly licensed in that state;

12 (9) any act, task or function performed by a
13 physician assistant, at the direction of and under the
14 supervision of a licensed physician, when:

15 (a) the assistant is registered and has
16 renewed his registration with the board as one qualified by
17 training or experience to function as an assistant to a
18 physician;

19 (b) the act, task or function is
20 performed at the direction of and under the supervision of a
21 licensed physician in accordance with rules promulgated by the
22 New Mexico medical board; and

23 (c) the acts of the physician assistant
24 are within the scope of duties assigned or delegated by the
25 supervising licensed physician and the acts are within the

1 scope of the assistant's training;

2 (10) any act, task or function of laboratory
3 technicians or technologists, x-ray technicians, nurse
4 practitioners, medical or surgical assistants or other
5 technicians or qualified persons permitted by law or
6 established by custom as part of the duties delegated to them
7 by:

8 (a) a licensed physician or a hospital,
9 clinic or institution licensed or approved by the public health
10 division of the department of health or an agency of the
11 federal government; or

12 (b) a health care program operated or
13 financed by an agency of the state or by the federal
14 government;

15 (11) a properly trained medical or surgical
16 assistant or technician or professional licensee performing
17 under the physician's employment and direct supervision or a
18 visiting physician or surgeon operating under the physician's
19 direct supervision any medical act that a reasonable and
20 prudent physician would find within the scope of sound medical
21 judgment to delegate if, in the opinion of the delegating
22 physician, the act can be properly and safely performed in its
23 customary manner and if the person does not hold himself out to
24 the public as being authorized to practice medicine in New
25 Mexico. The delegating physician shall remain responsible for

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1 the medical acts of the person performing the delegated medical
2 acts;

3 (12) the practice of the religious tenets of
4 any church in the ministrations to the sick or suffering by
5 mental or spiritual means as provided by law; provided that the
6 Medical Practice Act shall not be construed to exempt any
7 person from the operation or enforcement of the sanitary and
8 quarantine laws of the state;

9 (13) the acts of a physician licensed under
10 the laws of another state of the United States who is the
11 treating physician of a patient and orders home health or
12 hospice services for a resident of New Mexico to be delivered
13 by a home and community support services agency licensed in
14 this state; provided that any change in the condition of the
15 patient shall be physically reevaluated by the treating
16 physician in the treating physician's jurisdiction or by a
17 licensed New Mexico physician;

18 (14) a physician licensed to practice under
19 the laws of another state who acts as a consultant to a New
20 Mexico-licensed physician on an irregular or infrequent basis,
21 as defined by rule of the board;

22 (15) a person who provides natural health care
23 services, but who is not licensed, certified, or registered
24 under any other provision of law relating to the healing arts
25 shall not be in violation of any law relating to the healing

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1 arts, unless the person:

2 (a) performs surgery or any other
3 procedure that punctures the skin of any person;

4 (b) prescribes or administers x-ray
5 radiation to any person;

6 (c) prescribes or administers a legend
7 drug or controlled substance to any person;

8 (d) recommends to any person the
9 discontinuance of a legend drug or controlled substance
10 prescribed by a licensed health care practitioner;

11 (e) willfully diagnoses or treats a
12 physical or mental health condition of any person and in so
13 doing causes significant bodily injury, significant physical or
14 mental illness or death; or

15 (f) holds out, states, indicates,
16 advertises or implies to any person that he is licensed,
17 certified or registered under any law relating to the healing
18 arts in this state;

19 (16) any person providing health care services
20 who is not licensed, certified or registered under any other
21 provision of law relating to the healing arts prior to
22 providing such services, must disclose to the client in a
23 plainly worded written statement:

24 (a) the fact that he is not licensed,
25 certified or registered under any provision of law relating to

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1 the healing arts by this state;

2 (b) the nature of the services to be
3 provided and the theory upon which the services are based; and

4 (c) the degrees, training, experience,
5 credentials or other qualifications of the practitioner
6 regarding the health care services being provided. A person
7 who violates any provision of this subsection is subject to
8 administrative, civil and criminal penalties, including, but
9 not limited to, court costs, reasonable attorney fees and the
10 reasonable costs of investigation and prosecution; and

11 (17) any person providing health care services
12 who is not licensed, certified or registered under any other
13 provision of law relating to the healing arts by this state
14 shall:

15 (a) obtain a written acknowledgment from
16 the client stating that the client has been provided with the
17 information described in this subsection, which must be
18 maintained for two years by the person providing the services.
19 The client shall be provided with a copy of this written
20 acknowledgment; and

21 (b) state in any advertisement for such
22 services that the person providing health care services is not
23 licensed, certified or registered under any other provision of
24 law relating to the healing arts by this state. A person who
25 violates any provision of this subsection is subject to civil

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1 penalties, including, but not limited to, court costs,
2 reasonable attorney fees and the reasonable costs of
3 investigation and prosecution.

4 Section 8. BOARD CREATED--APPOINTMENT--OFFICERS--
5 COMPENSATION.

6 A. The "board of naturopathic medicine" is created.

7 B. The board is administratively attached to the
8 regulation and licensing department.

9 C. The board consists of five members appointed by
10 the governor for terms of three years each. Three members of
11 the board shall be doctors of naturopathic medicine who have
12 been residents of and practiced naturopathic medicine in New
13 Mexico for at least three years immediately preceding the date
14 of their appointment. Two members shall be appointed to
15 represent the public and shall be residents of New Mexico. A
16 list of names shall be submitted jointly by New Mexico state
17 professional organizations or a jointly authorized governing
18 body, council or committee for the governor's consideration.

19 D. Members will be appointed for staggered terms of
20 three years; provided that for initial terms, two members shall
21 be appointed for three years, two for two years and one for one
22 year. Terms of board members shall expire on June 30. A board
23 member shall serve until a successor has been appointed and
24 qualified. Vacancies shall be filled for the remainder of the
25 unexpired term in the same manner as the original appointment.

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1 E. A board member shall not serve more than two
2 consecutive full terms and a board member who fails to attend
3 three consecutive meetings, after receiving proper notice,
4 shall be recommended for removal as a board member unless
5 excused for reasons established by the board.

6 F. The board shall elect annually from its
7 membership a chair and other officers as necessary to carry out
8 its duties.

9 G. The board shall meet at least once each year.
10 Other meetings may be called by the chair, a majority of board
11 members or the governor. A simple majority of board members
12 constitutes a quorum of the board.

13 H. Members of the board may be reimbursed as
14 provided in the Per Diem and Mileage Act but shall receive no
15 other compensation, perquisite or allowance. The board may
16 waive any payment of per diem or mileage.

17 Section 9. BOARD--POWERS AND DUTIES.--The board may:

18 A. enforce the provisions of the Naturopathic
19 Medicine Practice Act;

20 B. adopt, publish and file, in accordance with the
21 Uniform Licensing Act and the State Rules Act, all rules
22 necessary for the implementation and enforcement of the
23 provisions of the Naturopathic Medicine Practice Act;

24 C. adopt and use a seal;

25 D. adopt rules implementing continuing education

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1 requirements;

2 E. administer oaths and take testimony on any
3 matters within the board's jurisdiction;

4 F. conduct hearings upon charges relating to the
5 discipline of licensees, including the denial, suspension or
6 revocation of a license or the supervision or admonition of a
7 licensee, in accordance with the Uniform Licensing Act;

8 G. issue "specialty" or "certificate of
9 qualification" documents in a variety of specialized fields or
10 areas of study and practice related to naturopathic medicine
11 based upon the level of education and training;

12 H. grant, deny, renew, suspend, limit or revoke
13 licenses to practice naturopathic medicine;

14 I. provide for the examination of applicants for
15 licensure as naturopathic doctors and naturopathic medical
16 doctors and establish and collect fees for them;

17 J. keep a record of all examinations held, together
18 with the names and addresses of all persons taking the
19 examinations, and the examination results;

20 K. notify each applicant in writing of the results
21 of an examination within twenty-one days after the results of
22 the examination are available to the board;

23 L. provide for "grandfather" licenses for those
24 seeking licensure under Section 10 of the Naturopathic Medicine
25 Practice Act for one year;

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1 M. keep a licensee record in which the names,
2 addresses and license numbers of all licensees shall be
3 recorded together with a record of all license renewals,
4 suspensions and revocations;

5 N. provide for the granting and renewal of
6 licenses;

7 O. keep an accurate record of all its meetings,
8 receipts and disbursements; and

9 P. hold meetings that shall be open to the public,
10 including executive sessions or sessions that consider the
11 efficacy of a complaint filed against a licensee for any
12 reason.

13 Section 10. GRANDFATHER LICENSE AND REQUIREMENTS FOR
14 LICENSURE.--

15 A. For a period of one year after the effective
16 date of this act, the board shall grant a license to practice
17 naturopathic medicine to a person who has submitted to the
18 board proof that the person has earned a diploma or a degree as
19 a naturopathic doctor or naturopathic medical doctor and has
20 completed the application for licensure on a form provided by
21 the board, specifically designed to carry out the
22 grandfathering provision of this act, and paid a fee of three
23 hundred fifty dollars (\$350). The board:

24 (1) shall not restrict or prohibit the
25 grandfather license of any individual seeking to assert a right

1 to be licensed through this provision;

2 (2) shall designate explanatory language on
3 the application as informational only; and

4 (3) shall deny, revoke or refuse to issue a
5 license to practice naturopathic medicine or any specialty or
6 certificate of qualification under this section on grounds set
7 forth in this section, that has occurred or in which the
8 applicant has been found guilty of, within the past five years
9 or for which the applicant has been pardoned or such verdict
10 has been reversed on appeal or is in the process of appeal.

11 B. The board shall grant a license to practice
12 naturopathic medicine to a person who submitted in a timely
13 manner, unless the person complies with the requirements of
14 Subsection A of this section:

15 (1) the completed application for licensure on
16 the form provided by the board;

17 (2) all documentation required by the board;

18 (3) the required fees;

19 (4) proof that the applicant has completed an
20 educational program leading to the degree of naturopathic
21 doctor or naturopathic medical doctor; and

22 (5) proof that the applicant has passed the
23 examination required by the board.

24 Section 11. EXAMINATIONS.--The board shall:

25 A. establish procedures to ensure that examinations

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1 for licensure are offered at least once a year;

2 B. establish the deadline for receipt of
3 applications for licensure examinations and other rules
4 relating to the taking and retaking of licensure examinations;

5 C. establish the passing grades for its approved
6 examinations; and

7 D. require that each applicant has received a
8 degree of naturopathic doctor or naturopathic medical doctor.

9 Section 12. REQUIREMENTS FOR TEMPORARY AND RECIPROCAL
10 LICENSURE.--

11 A. The board may grant a temporary license until
12 the next licensure examination or a reciprocal license to a
13 person who:

14 (1) is licensed to practice naturopathy in
15 another state, district or territory of the United States or in
16 a foreign country and who has met all the requirements for
17 temporary licensure or a reciprocal license, as determined by
18 the board, to practice in New Mexico;

19 (2) submits the completed application for
20 licensure on the form provided by the board;

21 (3) submits the required documentation; and

22 (4) submits the required temporary or
23 reciprocal licensure application fee of three hundred fifty
24 dollars (\$350).

25 B. A temporary licensee may engage in only those

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1 activities authorized on the temporary license.

2 C. A temporary license may be issued for a period
3 of time not to exceed the number of months between application
4 and the time necessary to notify applicants of passage or
5 failure of the next licensure examination.

6 D. No more than one temporary license may be issued
7 to an individual, and no temporary license shall be issued to
8 an applicant who has previously failed the examinations.

9 Section 13. SPECIALTIES OR CERTIFICATE OF QUALIFICATION
10 REQUIREMENTS.--

11 A. The board shall grant or issue a license to
12 practice a specialty or certificate of qualification in a
13 variety of specialized fields or areas of study and practice
14 related to naturopathic medicine to a person who:

15 (1) submits the completed application for
16 license to practice a specialty or for the issuance of a
17 certificate of qualification on the form provided by the board;

18 (2) submits the required documentation that
19 the applicant has completed an educational program leading to
20 the specialty or certificate of qualification applied for to
21 the board;

22 (3) shall require each qualified applicant to
23 pass a validated, objective written examination that covers
24 areas categorized as a specialty or certificate of
25 qualification in a variety of specialized fields or areas of

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1 study and practice related to naturopathic medicine; and

2 (4) submits the required fee for license to
3 practice a specialty or for the issuance of a certificate of
4 qualification on the form provided by the board.

5 B. A licensee having been issued a license to
6 practice a specialty or a certificate of qualification may
7 engage in only those activities authorized on the specialty or
8 certificate of qualification license.

9 C. The board must accept all like or substantially
10 similar courses of study leading to the specialty or
11 certificate of qualification without regard to, and without
12 showing bias or favoritism to, any specific accrediting agency,
13 college, university, school or institution in any state,
14 national or foreign jurisdiction or location or having been
15 offered by any other professional school, postgraduate course
16 of education or study or continuing education seminar offered
17 by any other profession such as medicine, osteopathy,
18 chiropractic, acupuncture, midwifery, dentistry, podiatry,
19 nursing, optometry, psychology, pharmacy, Oriental medicine,
20 physical therapy, massage therapy, physiotherapy, thermography,
21 radiologic technology, electromagnetic evaluation or any other
22 established healing arts practice.

23 Section 14. EXPANDED PRACTICE AUTHORITY CERTIFICATION AND
24 CERTIFICATES OF QUALIFICATION.--The board shall certify a
25 licensee in good standing for expanded practice authority as

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1 provided herein and issue certificates of proficiency to
2 practice in each area of advanced training.

3 A. The licensee shall file a completed and signed
4 application form provided by the board and shall pay the
5 administrative fee for expanded prescriptive authority
6 application and for each certification specified as follows.

7 B. The licensee shall submit proof of completion of
8 education, satisfactory to the board, in the pharmacology and
9 general use of the drugs authorized for use under the expanded
10 practice authority provisions of Sections 4, 13 and 14 of the
11 Naturopathic Medicine Practice Act. Such education shall have
12 been earned in classes preapproved by the board and shall be
13 taught by qualified teachers as approved by the board. The
14 education in the therapeutic use of drugs shall be taught by a
15 licensed health care practitioner with appropriate training and
16 a minimum of five years experience prescribing the drugs.

17 C. The board shall have final authority for
18 approval of classes and teachers. All classes may be video-
19 recorded and transcribed for approval by the board for future
20 presentation to the class. Testing shall be administered as
21 approved by the board to ensure that the material presented in
22 the classes has been learned. Certification for each area of
23 education shall be issued by the board and need not be
24 completed within any time requirement for licensees who wish to
25 be certified in the expanded practice authority. Licensees who

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1 wish to be certified in the expanded practice authority shall
2 be educated to such a level of knowledge, understanding, skill
3 and expertise that they shall be able to evaluate the material,
4 have a deep grasp of the application of it in various settings
5 and be able to generate new thinking about the subject matter.
6 They shall be required to demonstrate their skill in performing
7 the necessary tasks and documenting the outcomes in writing.
8 The education shall be in addition to the education required to
9 meet the minimum educational program requirements for licensure
10 as a practitioner of naturopathic medicine.

11 D. The education shall include a minimum of one
12 hundred seventy hours in the following areas:

13 (1) five hours of cardiopulmonary
14 resuscitation and first aid;

15 (2) fifteen hours of orthopedic and fifteen
16 hours in neurological evaluation;

17 (3) fifteen hours in the use of oxygen
18 therapeutically;

19 (4) fifteen hours in non-internal chelation
20 therapy using vitamins, natural substances, amino acids and
21 those substances used for chelation therapy;

22 (5) thirty hours in: anatomy, physiology,
23 endocrinology, pathology, biochemistry, pharmacology, clinical
24 strategies, contraindications, safeguards and specialist
25 referral;

1 (6) fifteen hours in clinical laboratory
2 testing including, but not limited to, blood, urine and saliva
3 and hormone diagnostic testing and evaluation and physiological
4 function tests;

5 (7) fifteen hours in differential diagnosis
6 relative to the prescription or administration of drugs or
7 vaccines authorized by the board;

8 (8) five hours in the pharmacology,
9 application and clinical use of cosmetics and over-the-counter
10 drugs;

11 (9) two hours in the pharmaceutical law as
12 provided by the board of pharmacy;

13 (10) two hours in naturopathic medicine scope
14 of practice;

15 (11) thirty hours in electrocardiograms,
16 ultrasound imaging, diagnostic imaging and thermography;

17 (12) thirty hours in gynecological and
18 obstetrical examinations, including the use of therapeutic
19 devices and barrier devices for contraception, with the first
20 eleven classes being prerequisites; and

21 (13) thirty hours of diagnostic radiology and
22 radiologic technology.

23 E. The education and training completed by a
24 naturopathic medical doctor who is certified for any of the
25 areas listed in Subsection D of this section may be credited

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1 towards the education required for expanded practice authority
2 certification.

3 F. Any other education may be considered,
4 authorized, certified and required by the board as new
5 modalities appear.

6 Section 15. NATUROPATHIC SCHOOLS, SPECIALTY OR
7 CERTIFICATE OF QUALIFICATION PROGRAMS AND CONTINUING EDUCATION
8 HOURS.--

9 A. The board shall establish by rule procedures for
10 the registration of naturopathic schools and shall register
11 naturopathic schools that meet the requirements of the
12 Naturopathic Medicine Practice Act, the rules adopted by the
13 board pursuant to that act and is licensed by the commission of
14 higher education.

15 B. The board shall approve all naturopathic schools
16 that provide an educational program that includes a minimum of
17 one thousand five hundred class hours or ninety semester
18 credits of training and may include, but is not limited to,
19 instruction in:

20 (1) anatomy, physiology and pathology;

21 (2) nutritional information that may include:
22 food, food extracts, dietary therapy and nutritional
23 counseling;

24 (3) medicines of mineral, animal and botanical
25 origin that may include: vitamins, minerals, plant substances,

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1 homeopathic preparations, topical medicines, natural hormones,
2 enzymes, digestive aids and whole gland thyroid;

3 (4) naturopathic physical medicine, massage,
4 bodywork and hygiene;

5 (5) counseling, biofeedback and lifestyle
6 counseling;

7 (6) business, including ethics;

8 (7) hydrotherapy;

9 (8) first aid and cardiopulmonary
10 resuscitation; and

11 (9) naturopathic examination and diagnosis.

12 C. The board shall establish by rule the amount of
13 annual or biannual continuing education hours required for
14 license renewal and the requirements for specialty or
15 certificate of qualification programs in naturopathic medicine,
16 without showing bias or favoritism to any specific accrediting
17 agency, college, university, school or institution in any
18 state, national or foreign jurisdiction or location or having
19 been offered by any other professional school, postgraduate
20 course of education or study or continuing education seminar
21 offered by any other profession such as medicine, osteopathy,
22 chiropractic, acupuncture, midwifery, dentistry, podiatry,
23 nursing, optometry, psychology, pharmacy, Oriental medicine,
24 physical therapy, massage therapy, thermography, radiologic
25 technology, electromagnetic evaluation or any other established

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underscored material = new
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1 healing arts practice. All continuing education programs
2 offered by any state, national or international naturopathic
3 associations are automatically approved.

4 D. No favoritism may be given for "in house" versus
5 "computer", "internet" or "distance learning" or any other type
6 of educational offering in the establishment of educational
7 requirements to obtain a license to practice naturopathic
8 medicine, requirements for license renewal or for the
9 requirements for a "specialty" or a "certificate of
10 qualification".

11 Section 16. LICENSE RENEWAL.--

12 A. A licensee shall renew a license annually by
13 submitting, prior to the date established by the board:

14 (1) the completed application for renewal on
15 the form provided by the board; and

16 (2) the required renewal fee.

17 B. The board may required proof of continuing
18 education or other proof of competency as a requirement for
19 renewal.

20 C. A sixty-day grace period shall be allowed for
21 each licensee after the end of the licensing period, during
22 which time the license may be renewed by submitting:

23 (1) the completed application for renewal on
24 the form provided by the board;

25 (2) the required renewal fee; and

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1 (3) the required late fee.

2 D. A license not renewed at the end of the grace
3 period shall be considered expired and the licensee shall not
4 be eligible to practice within the state. For reinstatement of
5 an expired license within one year of the date of renewal, the
6 board may establish requirements or fees in addition to the
7 renewal fee or may required the former licensee to reapply as a
8 new applicant. The board may extend the reinstatement period
9 and fees in extenuating circumstances, to be determined on a
10 case by case basis.

11 Section 17. FEES.--The board shall establish by rule a
12 schedule of reasonable fees for applications, examinations,
13 licenses, registrations, inspections, renewals, penalties,
14 reactivation and necessary administrative fees, but no single
15 fee shall exceed five hundred dollars (\$500). All fees
16 collected shall be deposited in the naturopathic medical fund.

17 Section 18. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--
18 APPLICATION OF UNIFORM LICENSING ACT.--

19 A. In accordance with the procedures contained in
20 the Uniform Licensing Act, the board may deny, revoke or
21 suspend any permanent or temporary license held or applied for
22 under the Naturopathic Medicine Practice Act, except those
23 applied for under the grandfathering provisions found in that
24 act, upon findings by the board that the licensee or applicant:

25 (1) is guilty of fraud or deceit in procuring

1 or attempting to procure a license;

2 (2) has been convicted of a felony;

3 (3) is guilty of incompetence;

4 (4) is habitually intemperate or is addicted
5 to the use of habit-forming drugs or is addicted to any vice to
6 such a degree as to render the licensee or the applicant unfit
7 to practice as a naturopathic medical doctor or naturopathic
8 doctor;

9 (5) is guilty of violation of the Controlled
10 Substances Act;

11 (6) has violated a provision of the
12 Naturopathic Medicine Practice Act or rules promulgated by the
13 board;

14 (7) is guilty of willfully or negligently
15 practicing beyond the scope of naturopathic medicine;

16 (8) is guilty of aiding or abetting the
17 practice of naturopathic medicine by a person not licensed by
18 the board;

19 (9) has been declared mentally incompetent by
20 regularly constituted authorities; or

21 (10) has had a license, certificate or
22 registration to practice as a naturopathic medical doctor or
23 naturopathic doctor revoked, suspended or denied in a
24 jurisdiction of the United States or a foreign country for
25 actions of the licensee similar to acts described in this

1 subsection only after the licensee or applicant has been given
2 a full hearing and determination is made that the grounds on
3 which the suspension or revocation was imposed was true,
4 correct and on valid grounds.

5 B. In all cases the board shall conduct a hearing
6 to determine whether conviction or findings require revocation,
7 suspension, supervision or admonition.

8 C. Disciplinary proceedings instituted by any
9 person shall be sworn complaint and shall conform with the
10 provisions of the Uniform Licensing Act. A party to the
11 hearing may obtain a copy of the hearing record upon payment of
12 the cost of the copy.

13 D. A person filing a sworn complaint shall be
14 immune from liability arising out of civil action if the
15 complaint is filed in good faith and without malice. For
16 purposes of this section, "absence of malice" means that the
17 complaining party knows or should know that all elements in the
18 complaint are truthful in every way and not motivated by
19 personal, political or professional dislike or prejudice
20 against the naturopathic doctor or naturopathic medical doctor
21 against whom the complaint is being filed.

22 E. The licensee shall bear the costs of
23 disciplinary proceedings unless exonerated. The board shall
24 bear the costs of the licensee's legal fees, expenses and costs
25 if the licensee is exonerated.

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1 Section 19. FUND CREATED.--

2 A. The "naturopathic medicine fund" is created in
3 the state treasury.

4 B. All money received by the board pursuant to the
5 Naturopathic Medicine Practice Act shall be deposited with the
6 state treasurer for credit to the naturopathic medicine fund.
7 The state treasurer shall invest the fund as other state funds
8 are invested, and income from investment of the fund shall be
9 credited to the fund. All balances in the fund shall remain in
10 the fund and shall not revert to the general fund.

11 C. The fund shall be administered by the board, and
12 money in the fund is appropriated to the board to meet the
13 necessary expenses incurred in carrying out the provisions of
14 the Naturopathic Medicine Practice Act. Money in the fund
15 shall be expended upon warrants required by the secretary of
16 finance and administration upon receipt of vouchers from the
17 superintendent of regulation and licensing.

18 Section 20. PENALTIES.--A person who violates a provision
19 of the Naturopathic Medicine Practice Act is guilty of a
20 misdemeanor and upon conviction shall be punished as provided
21 in Section 31-19-1 NMSA 1978.

22 Section 21. CRIMINAL OFFENDER EMPLOYMENT ACT.--The
23 provisions of the Criminal Offender Employment Act shall govern
24 consideration of criminal records required or permitted by the
25 Naturopathic Medicine Practice Act.

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